

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 8, 2003

IN RE:

**REVISION OF BELL SOUTH SGAT
TO INCLUDE THE FLORIDA
PERFORMANCE MEASUREMENTS**

)
)
)
)
)

**DOCKET NO.
03-00148**

**ORDER APPROVING REVISIONS TO THE STATEMENT OF
GENERALLY AVAILABLE TERMS AND CONDITIONS OF
BELL SOUTH TELECOMMUNICATIONS, INC. TO
INCLUDE FLORIDA PERFORMANCE MEASUREMENTS**

This matter came before Chairman Sara Kyle, Director Pat Miller and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on March 17, 2003, to consider revisions to the Statement of Generally Available Terms and Conditions ("SGAT") of BellSouth Telecommunications, Inc. ("BellSouth") to include Florida Performance Measurements. These revisions were filed on December 19, 2002, in Docket No. 97-00309, *In re: BellSouth Telecommunications, Inc.'s Entry Into Long Distance (InterLATA) Service in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996*. The December 19, 2002 document purporting to revise BellSouth's SGAT to include the Florida Performance Measurements was moved without opposition to Docket No. 03-00148, *In re: Revision of BellSouth SGAT to Include Florida Performance Measurements*, for administrative purposes.

Statutory Framework

An SGAT functions as an interconnection agreement that competing local exchange carriers ("CLECs") may accept without the need for separate negotiation. SGATs are governed by 47 U.S.C. § 252(f), which permits a Bell Operating Company such as BellSouth to prepare and file with State commissions a statement of the terms and conditions that such company generally offers within that State to comply with the requirements of 47 U.S.C. § 251 and the regulations thereunder and the standards applicable under 47 U.S.C. § 252. SGATs filed with State commissions are subject to review pursuant to 47 U.S.C. § 252(f), which states:

(2) State commissions may not approve such statement unless such statement complies with subsection (d) of this section and section 251 of this title and the regulations thereunder. Except as provided in section 253 of this title, nothing in this section shall prohibit a State commission from establishing or enforcing other requirements of State law in its review of such statement, including requiring compliance with intrastate telecommunications service quality standards or requirements.

Accordingly, a state commission may not approve an SGAT unless it is consistent with the regulations promulgated by the FCC under 47 U.S.C. § 251 and the cost-based pricing standards for network elements set forth in 47 U.S.C. § 252(d).

Relevant Background

On April 26, 2002, BellSouth submitted its third filing pursuant to 47 U.S.C. § 271 to the Authority in Docket No. 97-00309. After substantial negotiation, the parties reached a Settlement Agreement on the issues related to 47 U.S.C. § 271 that were before the Authority.¹ On August 7, 2002, the panel in Docket No. 97-00309 unanimously voted to

¹ The Settlement Agreement addressed issues raised in Docket No. 97-00309, Docket No. 01-00193 and Docket No. 01-00362. The panels assigned to each of those dockets unanimously voted to accept the Settlement Agreement.

accept the Settlement Agreement and to reconvene on August 26, 2002, to deliberate the merits of the issues raised in Docket No. 97-00309.²

During the August 26, 2002 Hearing, the panel considered BellSouth's request that the Authority find that its SGAT is consistent with 47 U.S.C. § 251 and contains cost-based rates for network elements consistent with 47 U.S.C. § 252(d). A majority of the panel voted to approve the SGAT under section 252(f) based on the findings that BellSouth's SGAT satisfies the requirements of 47 U.S.C. §§ 251 and 252(d).³

On December 19, 2002, BellSouth filed the above mentioned revisions to its SGAT. These revisions purport to include the Florida Performance Measurements in the SGAT.

The March 17, 2003 Authority Conference

At the regularly scheduled Authority Conference on March 17, 2003, the panel assigned to this docket deliberated the revisions to BellSouth's SGAT to include the Performance Measurements adopted by the Florida Public Service Commission on February 14, 2002, as modified on December 10, 2002. The panel found that, under the terms of the *Order Approving Settlement Agreement* issued in Docket No. 97-00309 on August 29, 2002, BellSouth was required to implement the Florida Performance Measurement Plan no later than December 1, 2002. The panel also found that the revisions to the SGAT were consistent with the August 29, 2002 *Order*. After considering the

² The *Order Approving Settlement Agreement* in Docket No. 97-00309 memorializing these decisions was issued on August 29, 2002.

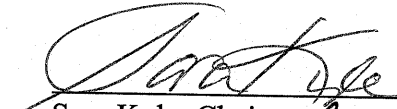
³ Director Tate did not vote with the majority. She stated that, based upon the recent changes stemming from the Settlement Agreement in Docket No. 97-00309 and the resultant adoption of the Florida performance plan in the Performance Measurements Docket (Docket No. 01-00193), the version of the SGAT in effect at the time required substantial revision before it could be reviewed, much less approved.


record and the revisions at issue, the panel voted unanimously to approve the revisions to the SGAT to allow for the inclusion of the Florida Performance Measurements.

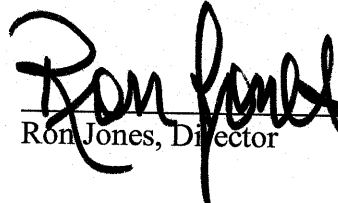
IT IS THEREFORE ORDERED THAT:

1. The revisions to the Statement of Generally Available Terms to include the Florida Performance Measurements filed by BellSouth on December 19, 2002, are hereby approved.

2. Any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from the date of this Order.


Sara Kyle, Chairman


Pat Miller, Director


Ron Jones, Director